

30 AUGUST 1946

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of
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1 Friday, 30 August, 1946

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4 INTERNATIONAL MILITARY TRIBUNAL

5 FOR THE FAR EAST

6 Court House of the Tribunal

7 War Ministry Building

8 Tokyo, Japan

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11 The Tribunal met, pursuant to adjournment,

12 at 0930.

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19 Appearances:

20 For the Tribunal, same as before.

21 For the Prosecution Section, same as before.

22 For the Defense Section, same as before, with

23 the addition of: GEORGE F. BLEWETT, Counsel for the

24 Accused TOJO, Hideki.

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31 (English to Japanese, Japanese to

32 English, English to Chinese, and Chinese to

33 English interpretation was made by the

34 Language Section, IMTTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except OKAWA, MATSUI and HIRANUMA, who are represented
5 by their respective counsel. I have a certificate
6 that HIRANUMA is still under medical treatment and
7 unable to attend the trial. This certificate is from
8 the Medical Superintendent of Sugamo Prison. It will
9 be recorded and filed.

10 This Tribunal will not sit on Monday next.

11 Does any counsel desire to mention any
12 matter?

13 Major Moore.

14 MAJOR MOORE: If it please the Tribunal, it
15 is recommended that line eleven, page 4286 of the
16 record be corrected to read, "Ministers under TAKEBE"
17 and the rest of the line deleted. This recommendation
18 is based on verbal suggestions made by both prosecu-
19 tion and defense.

20 THE PRESIDENT: The record will be altered
21 accordingly.

22 Mr. Sutton.

23 MR. SUTTON: May it please the Tribunal, I
24 resume reading from exhibit No. 328, page ten of the
25 English copy, the second paragraph on that page.

1 (Reading): "I. BRIEF ACCOUNT OF THE
2 HAPPENINGS TO NANKING SINCE DECEMBER 10th.

3 "According to available information, before
4 the fall of Nanking the Chinese armies and civilians
5 had been steadily getting out of and away from Nanking.
6 In the neighborhood of four-fifths of the population
7 had fled from the city and the main body of the
8 Chinese troops had been withdrawn while taking with
9 them most of their military supplies and equipment.
10 The city was left to be defended by not over fifty
11 thousand men if, in fact, that many. A considerable
12 number of these even managed to escape through the
13 north and west gates and over the walls after the
14 city had fallen and fight their retreat through the
15 Japanese lines. The Chinese armies had burned large
16 sections of the city outside of the city walls to
17 clear the land for military purposes. But, the
18 American residents who remained here insist that
19 little burning, destruction or looting of property
20 was done within the city walls by the retreating
21 Chinese soldiers."

22 I now omit to the paragraph at the bottom
23 of that page, page ten, of the English copy.

24 "However, no sooner had the Japanese armies
25 gotten into Nanking than instead of a restoration of

1 order and an end made of the confusion that had come
2 about, the reign of terror for the city really began.
3 By the night of December 13th and the morning of
4 December 14th acts of violence were already occurring.
5 Detachments of Japanese soldiers were first of all
6 sent out to round up and 'mop up' Chinese soldiers left
7 within the walls. Careful search was made throughout
8 all the streets and buildings of the city. All ex-
9 Chinese soldiers and persons suspected to have been
10 such were systematically shot. Although no accurate
11 records are obtainable, it is estimated that well
12 over twenty thousand persons were executed in this
13 manner. Little effort appears to have been made to
14 discriminate between ex-soldiers and those who had
15 never, in fact, served in the Chinese armies. If
16 there was the slightest suspicion that a person had
17 been a soldier such person was seemingly invariably
18 taken away to be shot. The Japanese determination
19 to 'wipe out' all remnants of the Chinese Government
20 forces was apparently unalterable.

21 "Several of the innumerable reports of
22 execution that have been made are cited as examples.
23 Fifty four employees of the Nanking Electric Power
24 plant had taken refuge in the plant of the International
25 Import and Export Company at 'Ho-Gee.' A detachment of

1 Japanese military called at that plant on December
2 15th or 16th and demanded to know whether any Chinese
3 were staying there who had not been employees of the
4 company. They were informed that there were these
5 fifty four former employees of the electric power
6 plant but that eleven of them had been employed part
7 time by the company. The Japanese military there-
8 upon took away the forty three former full time
9 employees of the electric power plant saying that
10 as they had been under the employ of the Chinese
11 Government they were 'to be shot.' At the same time,
12 the American residents state that Japanese officially
13 were constantly asking the International Committee
14 where the Japanese could obtain trained public
15 service electricians and employees in order to be
16 able to restore the electric power and light service
17 throughout the city.

18 "Another report is of an incident that happen-
19 ed in the grounds of the University of Nanking on or
20 about December 25th. The Japanese military had just
21 started to register all Chinese residing in the city.
22 On or about December 25th some military officers
23 called at the University preliminary to starting
24 in with the registration of the thirty odd thousand
25 Chinese who had taken refuge in the University

1 buildings. Around two thousand men regugeeing in
2 the buildings were mustered out and in a talk given
3 them by the Japanese military they were told that if
4 those of the refugees who had formerly been serving
5 in the Chinese armies would make themselves known
6 they would be protected - it was reiterated several
7 times that they would be protected - although they
8 would probably be put to work for the Japanese,
9 but if they did not make themselves known and were
10 later found out to have been Chinese soldiers
11 they would certainly be shot. With those assurances
12 of protection approximately two hundred men disclosed
13 the fact to the Japanese that they had been former
14 Chinese soldiers. Thereupon they were marched away.
15 Four or five badly wounded men returned later and
16 told the story of the two hundred having been
17 taken off in units, together with other Chinese
18 that were picked up enroute, to various isolated
19 places where they were then either bayoneted or
20 shot to death by squads of Japanese soldiers.
21 Only these four or five wounded survivors who
22 were left for dead escaped from the executions.

23 "Besides the hunting down and execution
24 of all former Chinese soldiers by detachments of
25 Japanese military, small bands of two or three or

1 more Japanese soldiers roamed at will the entire
2 city. It was the killing, raping and looting of
3 these soldiers that perpetrated the worst of the
4 terrors on the city. Whether carte blanche was
5 given to these soldiers to do anything they like
6 or whether the Japanese armies got completely out
7 of control after they entered the city has not
8 been fully explained. We have been told that
9 at least two orders were sent out by the Japanese
10 high command to get the soldiers under control
11 and that before the armies entered the city strict
12 orders were issued that no property was to be
13 burned.

14 "It remains, however, that the Japanese
15 soldiers swarmed over the city in thousands and
16 committed untold depredations and atrocities.
17 It would seem according to stories told us by
18 foreign witnesses that the soldiers were let
19 loose like a barbarian horde to desecrate the
20 city. Men, women and children were killed in
21 uncounted numbers throughout the city. Stories
22 are heard of civilians being shot or bayoneted
23 for no apparent reason. We were informed by
24 Japanese themselves on the day of our arrival
25 at Nanking that many bodies had to be cleaned

1 up the day before. However bodies are still to
2 be seen in houses, in ponds and along the sides
3 of by-streets. We have been informed by an American
4 citizen that a house containing fourteen Chinese
5 in the south city was entered by Japanese soldiers.
6 He said he saw the bodies of eleven persons, the
7 women amongst whom were said to have been raped
8 before being killed. Two small children and one
9 other alone survived. A small pond nearby the
10 Embassy was dragged the other day for corpses.
11 It disgorged some twenty or thirty bodies of
12 Chinese dressed in civilian clothing.

13 "The soldiers are reported to have sought
14 out the native women wherever they could be found
15 to violate them. Reference is made to the enclos-
16 ures of this report for description of such oc-
17 currences. During the early part of the Japanese
18 occupation over a thousand such cases a night are
19 believed by the foreigners here to have occurred
20 and one American counted thirty such cases in one
21 night in one piece of American property.

22 "At the same time that killing and raping
23 was going on the city was completely culled over by
24 the marauding troops. Nearly every house and build-
25 ing was entered, ransacked and looted of what articles

1 the soldiers chose to carry off with them.

2 "The International Committee for Nanking
3 has kept a record of the incidents which have come
4 to its attention which occurred in the safety zone.
5 That Committee regularly reported the incidents to
6 the Japanese Embassy, bringing them to its attention
7 as a matter of record and at the same time protesting
8 their occurrence and requesting that steps be taken
9 by the Japanese authorities to prevent their repe-
10 tition. Upon our arrival copies of the reports and
11 cases of the incidents were submitted to the Embassy.
12 Up to January 10th one hundred and eighty eight
13 cases were recorded. The copies of the Committee's
14 despatches and cases are enclosed herewith.

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"LOOTING OF PROPERTY"

1 "From information tendered by the Inter-
2 national Committee and the American residents indi-
3 vidually and from investigations made by this Embassy
4 staff, it is believed that there is scarcely a single
5 piece of property in Nanking that has escaped entry
6 and looting by the Japanese military. Whether the
7 compound, house, shop or building be that of a foreign
8 mission or that of a foreign or Chinese national, all
9 have been entered without discrimination and to a
10 greater or less degree ransacked and looted. The
11 American, British, German and French Embassies are
12 known to have been entered and articles taken there-
13 from. It has also been reported that the same thing
14 has occurred to the Italian Embassy. The Russian
15 Embassy on January 1st was mysteriously gutted by
16 fire. Without exception, every piece of American prop-
17 erty inspected by us or reported upon by the American
18 residents have been entered by Japanese soldiers, fre-
19 quently time and time again. This has occurred even
20 to the residences in which the Americans are still
21 living. These American residents and the other members
22 of the International Committee have been and up to the
23 time of this report still are constantly driving
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1 Japanese soldiers out of foreign properties who have
2 entered in search of loot or women.

3 "Every sort of thing that the soldiers carry
4 off was seemingly fair prey for their pillage. With
5 specific reference to foreign houses, it would seem
6 that automobiles, bicycles and liquor together with
7 whatever small sized valuables that they could pocket
8 were particularly sought. But any property, foreign
9 or Chinese, was looted of whatever the trespassers
10 desired. What remain of the stores, shops in the
11 business section of the city show that they had all
12 been pretty well emptied of their contents. In a num-
13 ber of instances there is evidence that where too
14 much that was desired was found that could not be
15 carried away by hand, trucks had been brought up to
16 cart it off. Foreign residents have reported that
17 they saw on several occasions stocks being taken away
18 in truck-loads from stores and warehouses. The ware-
19 house keeper of the Texas Corporation (China) Ltd.
20 reported that the Japanese soldiers who removed some
21 stocks of gasoline and oils from the warehouse used
22 the company's trucks which they had taken to effect
23 the removal."

24 I omit the next paragraph.
25

1

"BURNING OF PROPERTY

2 " But the worst that the real property of
3 Nanking has suffered is the destruction by fire. At
4 the time of writing this report fires can still be
5 seen in a few places in the city. In the 'safety
6 zone' no fires have occurred. Nevertheless, except
7 for this zone, burning through arson or otherwise has
8 been committed at random throughout the city. On
9 many streets there are found houses and buildings that
10 are burnt down, intermittently among others that were
11 not burnt at all. A street will have one, two or
12 more buildings with only charred walls standing while
13 the rest of the buildings along it have not been touch-
14 ed by fire.

15 " The southern end of the city has suffered
16 the worst of the ravages by fire. An inspection of
17 that part of Nanking where the business and commercial
18 section of the city is located showed block after
19 block of burnt out buildings and houses. Many blocks
20 are left with only a dozen or less buildings still
21 standing. Instead of the nearly complete destruction
22 by fire of the entire section of the city such as oc-
23 curred to Chapei in Shanghai it could be seen that
24 usually just the buildings facing onto the main streets
25

1 were destroyed while the structures behind had mainly
2 not been burnt.

3 "Some argument had been forthcoming from the
4 Japanese authorities here that much of the burning of
5 Nanking within the walls was done by the retreating
6 Chinese or by Chinese plainclothes soldiers after the
7 fall of the city. Some perhaps may have been done by
8 the Chinese, but every reason is given to believe that
9 it was infinitesimal in comparison with what was
10 brought about deliberately or through negligence by
11 the Japanese troops after they had taken Nanking and
12 after the fighting here had ceased. Either the build-
13 ings were deliberately set on fire after they had been
14 entered and looted or through carelessness small fires
15 were left burning in the buildings which set the build-
16 ings ablaze or the buildings caught fire from nearby
17 burning structures. No attempt is known to have been
18 made to extinguish the flames of any building on fire.
19

20 "There is submitted herewith a memorandum
21 drawn up at the time of the worst of the destruction
22 to the city by fires and signed by members of the
23 International Committee setting forth their observa-
24 tions and findings as to the cause of the conflagra-
25 tions and as to what source in the main the fires were

1 attributable. In the first section of the first section
2 of the memorandum the observers set forth how
3 much of the city they knew had been burned before the
4 Japanese entry and they testify that little damage by
5 fire had actually occurred by that time. In the second
6 section they present the conditions that they found in
7 Nanking on the night of December 20, at which time
8 many buildings on fire were seen with Japanese sold-
9 iers watching the burning buildings from nearby, clear-
10 ing out and trucking away goods from the stores, and
11 in other buildings 'making bonfires on the floors.'

12 "HAPPENINGS TO THE SO-CALLED 'SAFETY ZONE'

13 "The so-called 'safety zone', of which more
14 will be said in a subsequent section of this report
15 on the work of the International Committee, generally
16 faired much better than the rest of Nanking. Although
17 it was not kept inviolate from the marauding Japanese
18 soldiers and from their depredations, it did not
19 suffer anywhere near in like proportion in the damages
20 done to an the terrors occurring in the other sections
21 of the city. In it there occurred innumerable cases
22 of raping, killing and premises therein were all con-
23 tered and to a greater or less degree looted. But
24 the fact that the majority of the Chinese civilians
25

1 remaining in Nanking fled to it for refuge as the
2 place of greatest safety in the city demonstrates in
3 itself that better conditions prevailed in the zone
4 than elsewhere. These civilians were not molested
5 to such an extent as in the other sections of the
6 city and they were not driven away from the houses
7 and camps of refuge. Most of the houses were not so
8 badly violated as in the rest of the city. Above all,
9 no burning was done in the zone.

10 "HAPPENINGS SINCE OUR ARRIVAL AT NANKING

11 "Since our arrival at Nanking, in spite of
12 the fact that the worst of the violence in Nanking
13 and the violations to people and property was said to
14 be over, incidents have continually been occurring.
15 The American residents have almost daily brought re-
16 ports to the Embassy of the entry of their property
17 by Japanese soldiers, the looting of buildings and the
18 carrying off of Chinese civilians from their compounds.
19 Twenty four cases of irregular entry into American
20 property by Japanese soldiers have occurred since
21 January 10th. Three of these cases involved the
22 forceful and unauthorized entry by Japanese military
23 police.

1 "Mr. George A. Fitch, Associate General
2 Secretary of the Young Men's Christian Association
3 of Nanking has reported that his house at 7 Pao Tai
4 Chieh has been entered and things pilfered from it
5 by Japanese soldiers seven times since January 4th.

6 "Two cases which were reported on January
7 13th have been made the subject of a written protest
8 to the Japanese Embassy on January 13th. Reference
9 is made to this office's telegram to the Department,
10 No. 21, January 13, 12 noon, reporting the protest.
11 A copy of the protest is enclosed herewith. These in-
12 cidents envolved the entry on January 11th of the
13 Nanking Theological Seminary by Japanese soldiers
14 and their taking thence some articles and the forc-
15 ible entry by Japanese military police on that same day
16 into the house of Dr. M. S. Bates and removing there-
17 from a Chinese employee of the Nanking University.

18 "On January 14th another letter was receiv-
19 ed from Dr. M. S. Bates reporting the entry the
20 night before of four Japanese military police into
21 the University of Nanking and their carrying off a
22 Chinese girl. A copy of this letter was submitted
23 to the Japanese Embassy under cover of Mr. Allison's
24 informal letter of January 14th to Mr. K. Fukui of
25 the Japanese Embassy. A copy of his letter and that

1 of Dr. Bates is enclosed herewith.

2 "Still further violations of American
3 property continued to occur. Reference is made to
4 Mr. Allison's telegram to the Department of January
5 18, 4 p.m. summarizing these incidents and reporting
6 the incident that occurred that day in regard to the
7 United Christian Mission property. The incident is
8 here described in full detail.

9 "Upon being informed by Mr. H. P. Mills
10 and Mr. L. S. C. Smythe at about 1:30 p.m., January
11 18th that some Japanese soldiers were reported to
12 have entered the United Christian Mission compound
13 on Chung Hwa Road and that they were still there Mr.
14 Allison and Mr. Espy proceeded to the compound. We
15 found at the side of the compound facing on a side
16 street a large section of the wall had been broken
17 down and the yard inside trampled by men's feet. The
18 broken section of the wall was dry. The wall must
19 have been torn down during the previous three hours
20 as it had rained up till early morning and all else
21 but the broken part was still wet. Mr. Jas. H.
22 McCallum was at that spot when we arrived. He stated
23 that when he visited the compound that morning the
24 wall was still intact. He then went on to relate
25

1 that on his previous visit he had found two Japanese
2 soldiers together with two Chinese in a building in
3 the property. They had in their hand articles be-
4 longing to the Mission. Upon representation to them,
5 they vacated the premises leaving behind the articles.
6 He stated that he saw the piano in the building that
7 morning which was later found missing. A Chinese
8 civilian who was nearby at the time of the looting
9 stated that shortly before we arrived on the scene
10 two trucks had been driven up with a number of Japan-
11 ese soldiers in them and that the soldiers had broken
12 down the wall and removed the loot. Enclosed is a
13 copy of Mr. McCallum's letter reporting to the Em-
14 bassy the incident.

15 "It may be of interest to note here that
16 up to January 18th the large lumber yard of the China
17 Import and Export Lumber Company, Ltd., a British
18 concern had apparently not been entered and the gates
19 to the yard closed and locked. That day on our daily
20 trip to the bund at Hsiakwen we saw Japanese soldiers
21 carting away large pieces of timber from the yard,
22 taking the pieces out through the new open gate. We
23 were later informed by the British Consul that the
24 removing of the lumber was entirely unauthorized and
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1 that he was protesting to the Japanese Embassy such
2 looting of British property."

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1 I omit the remainder of that page and to the
2 second paragraph from the bottom of page sixteen of the
3 English copy.

4 THE PRESIDENT: There is a lot of duplication
5 there and quite a lot of details that should not go
6 into the record. We must be reaching the point where
7 this evidence is going to be cumulative.

8 MR. SUTTON: I shall omit the major portion
9 of the remainder of this document and there is only one
10 other document to be introduced on this immediate sub-
11 ject. May I proceed?

G 12 THE PRESIDENT: Yes.

O 13 MR. SUTTON (Reading): "It is interesting to note
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14 that --"

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15 THE PRESIDENT: What page are you reading from?

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16 MR. SUTTON: "--it has been reported that the
17 Japanese military through the Autonomous City Government," --
18 Page 16, next-to-the-last paragraph, one paragraph only
19 to be read from that page, "--has been trying since the
20 first of the year to get the civilians to leave the
21 'safety zone' and return to their homes. It is said that
22 at first some civilians did return to their homes in other
23 parts of the city, but that those that did so immediately
24 returned. When they reached their homes they often found
25 nothing left of the houses but charred ruins and above all

1 they were given no protection. They were said to have
2 reported that they were robbed by Japanese soldiers,
3 their women raped and even some of them were killed."

4 I omit the remainder of that page. I omit
5 the entire page 17. I omit the first three paragraphs
6 of page 18 and resume at the middle of page 18 to read
7 two paragraphs.

8 "III International Committee for Nanking.

9 "A separate section of this report is submitted
10 herewith on the activities of the International Committee
11 for Nanking and of the American residents as members of
12 that Committee and acting through their own institutions
13 of public welfare.

14 "The work carried on by the twenty-two western
15 nationals in Nanking deserves special consideration
16 here. Their untiring and constant efforts to forward
17 the humanitarian treatment of the Chinese population,
18 their unceasing attempts to protect lives and property
19 from violations of the Japanese soldiers, their competent
20 handling of the situation under very harrowing condi-
21 tions, and their restraint and moderation even under
22 affronts and rough handling by Japanese soldiers deserve
23 considerable praise. Quite probably the mere presence
24 of these foreigners in Nanking had at least some re-
25 straining influence on the actions of the Japanese.

1 But it is unquestionable that the efforts of the
2 International Committee and the foreigners individually
3 did much to keep worse from happening to the civilian
4 population and to prevent greater destruction to
5 property than has already occurred. What has already
6 been pointed out in regard to the 'safety zone' is
7 evidence in itself of the results of their efforts."

8 I omit the remainder of that page and the
9 first two paragraphs on page 19. Resuming the first
10 short paragraph on page 19 and reading only two para-
11 graphs from that page.

12 "An account of the activities of the Committee
13 can be gathered from their own reports to the Japanese
14 Embassy and later to this Embassy. Copies of those
15 reports which are most illustrative of the work of
16 the Committee and the problems it had to face are
17 enclosed as enclosure No. 8.

18 "In a letter to this Embassy of January 7th,
19 the Committee explained the occasion for the reports.
20 The Committee was informed by an official of the Japan-
21 ese Embassy on December 14, that the Japanese military --
22 so it reports -- 'was determined to make it bad for
23 Nanking but the Embassy people were going to try to
24 moderate that action.' On learning this, the Committee
25 started appealing to the Japanese Embassy for help in

1 moderating the conditions in Nanking. It kept stress-
2 ing to the Japanese Embassy how bad conditions actually
3 were in the city so that the Japanese army could be
4 informed. To prove the Committee's assertions regard-
5 ing the conditions and in order that the military
6 could tell whether conditions had improved or not,
7 the cases of incidents (submitted with this report
8 as enclosure No. 1) were reported to the Japanese
9 Embassy."

10 I omit the remainder of that page. I omit
11 the entire page 20. I shall read only a portion from
12 page 21 which is the last excerpt from this document.
13 This is a dispatch from Allison of the American Embassy
14 at Nanking to the American Secretary of State at Wash-
15 ington, dated February 6, 1938.

16 "Yesterday afternoon Major General Amaya,
17 the new garrison commander, gave a welcoming tea at
18 the Japanese Embassy for the foreign diplomatic repre-
19 sentatives in Nanking during the course of which he
20 made a long statement outlining his opinion on the
21 local situation and in which he criticized the attitude
22 of the foreigners who had been sending abroad reports
23 of Japanese atrocities and encouraging the Chinese in
24 their anti-Japanese feeling. The gist of the statement
25 is given below. Because of the importance and the

1 length of the statement an opportunity was taken of
2 checking this morning with my British and German
3 colleagues for possible errors or omissions and it
4 is therefore believed that the following summary is
5 substantially accurate."

6 I omit the two paragraphs giving the summary
7 of the statement and resume at the next-to-the-last
8 paragraph.

9 "After the conclusion of the statement he
10 asked for criticism and comments from the foreigners
11 present but none of them spoke. When asked if it
12 would be possible to have a copy of the remarks
13 Counselor Hidaka of the Japanese Embassy stated that
14 it was not an official statement.

15 "The statement was obviously directed mainly
16 against the International Relief Committee composed
17 mostly of Americans but with a German chairman. This
18 Committee has been feeding 50,000 Chinese refugees
19 daily and has been extremely active in attempting to
20 prevent and in reporting Japanese atrocities."

21 I omit the remainder of this document.

22 MR. LOGAN: If the Tribunal please, may I
23 ask the privilege of reading three paragraphs from
24 page 10 of this report?

25 THE PRESIDENT: We are determined not to allow

1 the defense to wedge its case into the prosecution's
2 case. That is necessary in the interests of order.
3 This case will not conclude until the defense have
4 given all the evidence they desire to give and it
5 may include reference to these paragraphs. Those
6 paragraphs are in evidence, but they are not properly
7 in the record as part of the prosecution's case. The
8 defense may put them in the record as part of their
9 case. These repeated applications by the defense sug-
10 gest that we are allowing evidence to be suppressed.
11 That is not so.

12 MR. LOGAN: If the Tribunal please, up to
13 this point I think the prosecution is endeavoring
14 to charge some of these accused with all these atroci-
15 ties and everything that happened at Nanking. Here
16 we have a document that the prosecution reads which
17 shows on its face that the Japanese were not responsible
18 for many of these atrocities, that the Chinese soldiers
19 threw their clothes away; and yet he deliberately
20 leaves out three paragraphs at this time which would
21 enlighten the Court and explain to the Court just what
22 the true situation was there at that time.

23 THE PRESIDENT: Chinese cannot be shot out
24 of hand for throwing their clothes away. They can be
25 executed after proper trial and due conviction.

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19 threw their clothes away; and yet he deliberately
20 leaves out three paragraphs at this time which would
21 enlighten the Court and explain to the Court just what
22 the true situation was there at that time.

23 THE PRESIDENT: Chinese cannot be shot out
24 of hand for throwing their clothes away. They can be
25 executed after proper trial and due conviction.

1 MR. LOGAN: But if your Honor please, this
2 also shows that these Chinese soldiers are the ones who
3 were responsible for looting and for killing of other
4 Chinese civilians in order to get civilian clothes.
5 I think the Court should be apprised of that at this
6 time when this part of the case is going in and in-
7 formed of all of the facts with respect to this.

8 THE PRESIDENT: There is no more reason why
9 this part of the evidence on which the defense will
10 rely should be heard now than that any other part
11 of the defense case should be heard now. In the
12 interests of order and proper procedure we should
13 hear all the prosecution's evidence at the same time
14 and later on all the defense evidence at the same time.
15 The only exception to that is what the defense adduces
16 in cross-examination and necessarily so.

17 MR. LOGAN: Well, as your Honor so rightly
18 said the other day, we cannot cross-examine a docu-
19 ment or a report, and when a report is submitted in
20 evidence, it is the prosecution's evidence. Let them
21 read the entire document to the Tribunal if they are
22 going to read any of it so that the Tribunal can get
23 the entire picture from the entire report.

24 THE PRESIDENT: You, as defense counsel, will
25 see that we get the entire picture from the entire

1 report at a time when it will be most effective for
2 you, and that is towards the end of the trial. You
3 have no grievance. The defense evidence will be the
4 last heard and the freshest in our minds when we
5 come to deliberate.

6 Yes, Mr. Sutton.

7 MR. SUTTON: The prosecution next tenders
8 in evidence its document 4039, Reports from the
9 German Foreign Office in China to the German Foreign
10 Office in Berlin relative to the situation existing
11 in Nanking following the fall of that city.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 4039 will receive exhibit No. 329.

15 (Whereupon, prosecution's exhibit No.
16 329 was received in evidence.)

17 MR. SUTTON: A communication from Trautmann
18 at Hankow to the German Foreign Office. Content: Con-
19 dition in Nanking after the capture by the Japanese.
20 Copy submitted to the Foreign Office in Berlin. The
21 Embassy in Tokyo has received a copy of this report.
22 Enclosure with that report, the letter from John H. D.
23 Rabe, dated at Nanking January 14, 1938. I read from
24 that enclosure, page 2 of the English copy.

25

1 "I hereby acknowledge the receipt of your
2 above communication which I obtained today through
3 the mediation of the German Embassy. Your infor-
4 mations of that time, that I should travel to Hankow,
5 came too late. At the /time of/ arrival of your
6 telegram the Germans were already on their way to
7 Hankow with the 'Kutwo'. I furthermore felt that
8 it was my duty not to forsake in an emergency our
9 Chinese employees, Mr. Han and family, our fitters,
10 etc., who had all fled to me in the Hong. As I
11 reported to you at that time on your telegraphic
12 inquiry, I took over the chairmanship of the Inter-
13 national Committee for the Establishment of a
14 Refugee Zone which was set up here, which became
15 the last place of refuge for 200,000 Chinese non-
16 combatants. The organization of this zone was
17 not very easy, especially since we were unable to
18 get a complete recognition of the zone from the
19 Japanese, as high military personages (Chinese)
20 with their staff continued to live in the zone till
21 the last minute, i. e., until their flight from
22 Nanking. Our real hardship, however, began only
23 after the bombardment, i. e., after the capture of
24 the city by the Japanese. The Japanese military
25 authorities apparently lost authority over their

troops, who for weeks plundered the city after its capture, violated about 20,000 women and girls, slayed thousands of innocent civilians (among them 43 workers of the power plant) in a brutal manner (mass murder by machine gun fire was among the humanitarian methods of execution) and did not shy away from also entering into foreign homes. Of 60 German homes, about 40 were more or less robbed and four were completely burned down. Approximately one third of the city has been destroyed through fire by the Japanese. Cases of arson still occur. There is no store in the city which was not broken in or plundered. Corpses of shot and murdered people still lie around in the city, whose burial was not permitted to us. (We do not know why) The corpse of a Chinese soldier, shackled to a bamboo bed lies about 50 meters from my house since December 13th. Various ponds in the zone contain up to fifty corpses of Chinese who had been shot, which we are not allowed to bury.

21 "Thus far our Committee has been able
22 to feed the 200,000 inhabitant of the city who
23 have crowded into our zone, by setting up soup
24 kitchens, establishing distributions stations for
25 rice and flour, etc. An order from the Japanese

1 has now come down to close our rice sale points,
2 since the newly established autonomous govern-
3 ment's committee wants to take over the care of
4 the refugee camp and that the refugees will be
5 forced to leave the zone and return to their old
6 habitats. Since, as already mentioned, only a few
7 houses are unscathed outside of the zone, the re-
8 fugees do not know where to /go/, aside from the
9 fact they are scared of the Japanese soldiers,
10 who **still** at times roam the city murdering and
11 burning. Our Committee is now attempting to reach an
12 understanding with the Japanese and with the new
13 government which has been installed by them, in order
14 to assure, at least, the feeding of the refugees.
15 In addition we naturally have no objection if the
16 Japanese, that is to say the new government, take
17 over the work of our Committee, and the sooner the
18 better! As soon as order is reestablished in the
19 city and the permission to leave Nanking is given
20 by the authorities, I will come there. All requests
21 concerning this /matter/ have been refused until
22 now.

23 "Therewith, belatedly, request permission
24 to stay here until the dissolution of the Zone
25 Committee, since the weal and woe of many people

1 actually depends upon /the fact/ that the few Euro-
2 peans remain here. In my house and garden alone,
3 600 refugees of the poorest class have found a
4 lodging since the night of December 12th, in order
5 not to be molested or killed by the unruly Japanese
6 military rabble. Most of the people live in straw
7 huts in the garden and live on the daily rice ration
8 which is given to them. Altogether our Committee
9 supervises 25 refugee camps with about 70,000
10 refugees, of which 50,000 have to be fed by us,
11 as they are entirely without means. You can hardly
12 imagine the circumstances existing here. The bomb-
13 ardment extending for months and the final cannonading,
14 which preceded the capture of the city, were small
15 compared to the distress which the Japanese Army
16 created for us after the capture of Nanking. It
17 is a riddle to all of us that we have gotten away
18 safely and happily until now.

19 I request that /you/ do not publish this
20 letter, since such a /thing/ could possibly have
21 catastrophic consequences for our Committee.

22 "With German greeting,
23 John Rabe"
24
25

1 And a communication from Trautmann at
2 Hankow to the German Foreign Office in Berlin
3 marked "Strictly Confidential" dated February 16,
4 1938.

5 "Happenings in Nanking from 8 December
6 1937 to 13 January 1938.

7 "Herewith I have the honor to present
8 the copy of a secret report of a German eye witness
9 concerning the happenings in Nanking during the
10 period from 8 December 1937 to 13 January 1938
11 with the request to treat it as strictly confidential.

12 The secret report has been put at my dis-
13 posal by General von FALKENHAUSEN."

14 The report is dated 10 February 1938
15 marked "Secret".

16 "Report of a German eye witness concern-
17 ing the happenings in Nanking from 8 December 1937
18 to 13 January 1938.

19 "On 8 December 1937 the rest of the
20 Europeans left the city of Nanking and went to
21 the Jardines Hulk. Only a total of 22 Europeans
22 remained in the city and, as the International
23 Committee for Nanking took over the safety zone,
24 prepared in the middle of November. Even though
25 this safety zone was not officially recognized

1 by the Japanese, it had still been respected in
2 general until the capture of the city by the Jap-
3 anese, only a few artillery shells fell into the
4 safety zone and the losses during the fights were
5 very small."

6 I omit the remainder of that page, the
7 entire page 5 and the first sentence on page 6,
8 resuming near the top of page 6 of the English copy.

9 "Late in the afternoon of 13 December
10 the informant saw the first Japanese in the city.
11 At first the Japanese behaved very correctly, and
12 even to a certain degree obligingly. The Inter-
13 national Committee at once took up connections
14 with the Japanese and again tried to obtain recog-
15 nition of the safety zone. It is true that this
16 recognition was refused, but the Japanese troops
17 which now advanced in a broad front as high as the
18 Potsdamer Platz maintained a neutral attitude. In
19 the afternoon of 13 December the Committee also
20 took over the Waichiaopu, which was fitted out as
21 a hospital. The conditions which reigned there
22 were hopeless. The Chinese wounded had been left
23 without care for two to three days, the entire
24 staff had fled; on the contrary all the rooms
25 were full of weapons and ammunition, which were at

1 once carried away by the Committee in order not
2 to give the Japanese a pretext for actions against
3 the wounded. The Chinese Red Cross, which was or-
4 ganized in the safety zone, was at once ready for
5 cooperation and by evening it had been possible
6 to remove most of the dirt and the dead from the
7 hospital so that Japanese patrols, which searched
8 the hospital in the night, had no reason to inter-
9 vene."

10 "On 14 December a complete change in the
11 attitude of the Japanese troops took place. The
12 Committee was prohibited from further aiding the
13 Chinese wounded in the Waichiaopu hospital and
14 from entering it. On 14 December the Japanese
15 troops which were insufficiently provided due to
16 the fast advance were let loose on the city and
17 acted in a manner which is just indescribable for
18 regular troops. They took all seizable stores of
19 foodstuffs from the refugees, the woollen sleep-
20 ing blankets, the clothes, the watches -- in
21 short, everything which seemed worth taking with
22 them. Not only resistance, but a dilatory or slow
23 handing over was immediately answered by the bayo-
24 net and many, just because they did not comprehend
25 the language, etc., became victims of this circum-

1 stance. Again and again this brutal military mob
2 broke into the refugee zone and into the crowded
3 houses, searching for articles which their prede-
4 cessor had perhaps scorned to take with them.
5 There was and still is no respect for foreign flags
6 and when we sought to defend our servants or our
7 property by an energetic appearance, we had to
8 subject ourselves to threats and insults from the
9 Japanese soldiers. It was no rare picture that a
10 single Japanese soldier drove four coolies who
11 had to carry his loot. This organized thieving
12 and plundering lasted fourteen days and even today
13 one is still unsafe from some groups, who, on any
14 reason whatsoever go out to 'requisition.' A few
15 food stores were broken into, and emptied during
16 the retreat of the Chinese troops, and a few fires
17 were also started. However, by far the greater
18 part of the city was undamaged at/the time of/
19 its capture."

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1 "The picture of the city has changed com-
2 pletely under Japanese rule. No day goes by without
3 new cases of arson. It is now the turn of the Taiping
4 Lou, the Chung Shan Tung Lou, Go Fu Lou, KioKian Lou.
5 The entire southern part of the city and Fudse Miave
6 are completely burned and plundered down. Expressed
7 in percentages, one could say that 30 to 40 per cent
8 of the city has been burned down. The many discarded
9 uniforms gave the Japanese the welcome occasion for the
10 contention that many Chinese soldiers are staying in
11 the refugee zone. Again and again they combed through
12 the refugee camps but did not really give themselves
13 the trouble of looking for the supposed soldiers,
14 instead at first carried off at random all youths,
15 without option and then all those who for some reason
16 had come to their attention. Although no shot was ever
17 fired on the Japanese by the Chinese in the city, the
18 Japanese shot dead at least 5,000 men, mostly at the
19 river, so that one could forgo the burial. Among the
20 people who were shot were harmless workers of the city
21 administration, electricl undertaking, and the water
22 works. Until 26 December the corpses of 30 chained
23 and shot coolies lay on the streets at the Communi-
24 cations Ministry. About 50 corpses lie in a pond not
25 far from the Shansi Lou, in a temple/lie/ 20, and on

1 13 January 1938 20 corpses were still lying around at
2 the end of the Kiangsu Lou.

3 "Another sad chapter is the maltreatment and
4 violating of many girls and women. Unnecessary bar-
5 barities and mutilations, even on small children, are
6 not uncommon.

7 "All Europeans were prohibited from leaving
8 the city and activity in the city was allowed only with
9 a Japanese police escort. However, a gentleman was
10 able to ride to Tsing Chia Shan on 28 December in order
11 to buy foodstuffs. He had believed until now that the
12 tribunal of the Japanese Army extended only to Nanking,
13 the capital and center of the anti-Japanese movement,
14 but he now found out that the ravaging was even worse
15 on the flatlands. The Chinese Army had partly set
16 fire to the villages and some farmsteads for military
17 reasons on its retreat but the Japanese had system-
18 atically continued these incendiary fires. Many dead
19 water buffalo, horses, mules lie on the fields and
20 along side the highway. Maltreatment, violations, and
21 shootings are everyday occurrences.

22 "The population mostly fled into the hills
23 and is hiding there. During a one-hour trip by
24 automobile, the gentleman did not see any living human
25 being, not even in the large villages. At the Thousand-

1 Buddha Mountain a fugitives' camp of about 10,000 people
2 has been formed. But here too the Japanese soldiers
3 raged like savages. According to reports from Chinese
4 the country from Shanghai to Wuhu is supposed to be
5 in a similar condition. It cannot be imagined how the
6 farmers are going to cultivate their fields this spring
7 without tools, without water buffaloes which are vital
8 for the rice cultivation, and without the security
9 which is a prerequisite for the daily work in the
10 fields, so that it has to be seriously considered
11 that a famine will break out in the territory occupied
12 by the Japanese.

13 "On 1 January 1938 the provisional self-government
14 was set up and officially proclaimed. On the
15 old drum tower the five colored flag was hoisted and
16 at the same time the Russian embassy went up in
17 flames. The self-government was only established under
18 great difficulties and even today it is not yet
19 capable of governing. The Chinese have no confidence
20 whatsoever and the Japanese on one hand consent to give
21 support and again refuse it on the other hand. The
22 well educated Chinese remain reserved and only to
23 promote some cooperation did the Red Cross Society
24 declare itself willing to cooperate."

25 I omit the next three paragraphs on page 8

1 of the English copy.

2 (Reading) "The fateful days of Nanking have
3 clearly shown two facts: (1) the failure of the
4 control of the defense of the fort of Nanking; (2) the
5 lack of discipline, atrocities, and criminal acts not
6 of an individual but of an entire Army, namely the
7 Japanese.

8 "It seems like mockery, to see this beastial
9 machinery appear as champion of Anti-communism and
10 outwardly stand up loudly for the renovation and
11 liberation of China, whereas only naked communism
12 and the uprise of all evil and inferior elements can
13 flourish in its tracks."

14 THE PRESIDENT: Which is not evidence, as you
15 know.

16 MR. SUTTON: May it please the Tribunal, the
17 evidence presented up to this point on the subject
18 of atrocities committed by the Japanese troops against
19 civilians and others in the Republic of China has
20 dealt primarily with the acts of Japanese troops at
21 Nanking and other cities in that vicinity following
22 the occupation of those cities by the Japanese Army.
23 We shall next present, with the permission of the Court,
24 evidence of similar atrocities committed by Japanese
25 troops in provinces through occupied China during the

1 period extending from 1937 to 1945. It is the purpose
2 of this evidence to show the Japanese pattern of war-
3 fare.

4 The prosecution next offers in evidence its
5 document 2076, being case No. 410 prepared by the
6 United Nations War Crimes Commission. We shall present
7 for the record only the statements of the two persons
8 recited, not affidavits but actual statements which
9 appear with this record. One is the statement of
10 Liu Teh Shan; the other the statement of Chen Ya Ching.

11 THE PRESIDENT: Dr. KIYOSÉ.

12 DR. KIYOSÉ: These two statements seem not
13 to be so much testimony as indictments given in the
14 Chinese Court. If so, I don't think they can be
15 presented as evidence.

16 THE MONITOR: Slight correction: these are
17 not affidavits but these seem to be the indictments
18 presented in the Chinese court. Therefore, I object.

19 MR. SUTTON: May it please the Court, these
20 are statements of witnesses signed, sealed, and witnessed
21 in the manner in which other statements have hereto-
22 fore been presented from persons in China, and I am
23 informed that they are verified in the manner that is
24 usual for presentation of evidence in the courts of
25 the Republic of China.

1 THE PRESIDENT: But you are tendering also
2 the charges made before the United Nations War Crimes
3 Commission in London. I am at a loss to know why you
4 should tender those charges. They carry the matter no
5 further. And charges are not evidence.

6 MR. SUTTON: The prosecution tenders only
7 the two statements marked affidavits and which carry
8 the identification International Prosecution Section's
9 document 2076-A and 2076-A1. The remainder that is
10 attached will not be tendered in evidence.

11 DR. KIYOSÉ: I had thought that the document
12 that had just been tendered was No. 2076. Is that
13 not so?

14 THE MONITOR: Slight correction: Is the
15 prosecution intending to withdraw that document?

16 THE PRESIDENT: There is nothing to withdraw.
17 It has not been accepted. Go ahead, but not until
18 after the recess.

19 We will recess now for fifteen minutes.

20 (Whereupon, at 1045, a recess was taken
21 until 1100, after which the proceedings were
22 resumed as follows:)

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Sutton.

4 MR. SUTTON: The prosecution tenders in evi-
5 dence the statement of Liu Teh Shan and the statement
6 of Chen Ya Ching, which are marked International
7 Prosecution Section document 2076-A and document 2076-Al.
8 These show evidence of atrocities committed by Japan-
9 ese troops in Kiangsu Province in 1937.

10 THE PRESIDENT: Admitted on the usual terms.

11 DR. KIYOSÉ: Mr. President, these affidavits
12 which have been tendered appear to be copies. I wonder
13 if the original affidavits of Mr. Liu and Mr. Chen have
14 been tendered?

15 THE MONITOR: Slight addition to that: These
16 affidavits seem to be a copy of affidavits used in some
17 other trial. I wonder if the originals together with
18 the certificates are in the hands of the Secretary?

19 MR. SUTTON: The original, may it please the
20 Court, was tendered to the Clerk.

21 THE PRESIDENT: Well, the original is not in
22 London, is **that so?**

23 MR. SUTTON: The original was delivered to
24 the Clerk of this Court.

25 THE PRESIDENT: The defense may peruse these

1 documents which are said to be originals. I would not
2 know.

3 MR. SUTTON: If I may be permitted to say so,
4 the case file itself was transmitted to the prosecution
5 staff and the originals removed from the file and
6 presented to the Clerk of this Court.

7 DR. KIYOSE: This is written in Chinese
8 characters, in Chinese language, and most of it -- and
9 it has been printed. Among defense there are few who
10 can read Chinese characters, and therefore we would
11 like to reserve the right to make an objection after
12 perusing this affidavit.

13 THE PRESIDENT: The objection is premature
14 and it involves a waste of time.

15 Proceed.

16 DEPUTY CLERK OF THE COURT: Prosecution's
17 document No. 2076-A and 2076-A1 receive exhibit No. 330.

18 (Whereupon, the documents above
19 referred to were marked prosecution's exhibit
20 No. 330, and were received in evidence.)

21 MR. SUTTON: From the statement Liu Teh Shan,
22 I read one paragraph.

23 "The Japanese troops captured Soochow, Kiangsu,
24 Province in November, 1937. They killed SHEN Chi
25 Chiang and three other merchants, and declared openly

1 that they would kill all the people seen by them. The
2 civilians thus killed were innumerable."

3 From the statement of Chen Ya Ching I read
4 one paragraph.

5 "The Japanese troops occupied Nan Hsiang,
6 Kiangsu Province on October 10, 1937. They plundered
7 and killed LI Chin Min, a merchant, and machine-gunned
8 more than 200 other merchants to death."

9 THE PRESIDENT: That is hardly evidence.
10 There are no details. What court could act on evidence
11 like that?

12 MR. SUTTON: May it please the Tribunal, the
13 prosecution next offers in evidence with regard to
14 atrocities committed in Hupeh Province, **ten statements**,
15 International Prosecution documents No. 2106, 2107,
16 2108, 2109, 2110, 2111, 2112, 2113, 2114 and 2115.
17 These show specific instances of latent destruction
18 of property by the 65th Regiment, 104th Brigade, 13th
19 Division, Japanese Army, in Hupeh Province in 1943.
20 I do not anticipate that it is necessary to read them
21 into the record.

22 THE PRESIDENT: Admitted on the usual terms.

23 DEPUTY CLERK OF THE COURT: Prosecution's
24 document No. 2106 will receive exhibit No. 331. Docu-
25 ment No. 2107 will receive exhibit No. 332. Document

1 No. 2108 will receive exhibit No. 333. Document
2 No. 2109 will receive exhibit No. 334. Document 2110
3 will receive 335. Document 2111 will receive exhibit
4 No. 336. Document 2112, exhibit No. 337. Document
5 2113 will receive exhibit No. 338. Document 2114,
6 exhibit No. 339. Document 2115 will receive exhibit
7 No. 340.

(Whereupon, the documents above referred to were marked prosecution's exhibits No. 331, 332, 333, 334, 335, 336, 337, 338, 339, and 340, and were received in evidence.)

12 MR. LOGAN: If the Tribunal please, I wish
13 to point out the triviality of these affidavits,
14 referring to one cow and one pig and other similar
15 animals which were supposed to have been plundered,
16 and submit to your Honor this is the result of per-
17 mitting the prosecution to use affidavits in this case.

18 THE PRESIDENT: What they are doing is using
19 I have no doubt, affidavits which were used before
20 the United Nations War Crimes Commission to establish
21 a mere *prima facie* case and which contained a minimum
22 amount of facts, just enough for a very limited
23 purpose.

24 MR. SUTTON: May it please the Tribunal, the
25 prosecution next offers in evidence its document

1 No. 2217, the statement of TAMURA, Nobusada, Lance
2 Corporal of the First Company, First Battalion, Second
3 Independent Mountain Artillery Regiment of the Japanese
4 Army, dated April 28, 1945, with regard to atrocities
5 committed by the Japanese troops at Changsha in Hunan
6 Province in 1941.

7 THE PRESIDENT: Admitted on the usual terms.

8 DEPUTY CLERK OF THE COURT: Prosecution's
9 document No. 2217 will receive exhibit No. 341.

10 (Whereupon, the document above
11 referred to was marked prosecution's exhibit
12 No. 341, and was received in evidence.)

13 MR. SUTTON: (Reading) "During the second
14 Changsha Campaign in September 1941, the third com-
15 pany (under command of Captain SASAKI, Ichi) of the
16 second Battalion (under the command of Major TAKAHASHI--

17 THE PRESIDENT: Just a second. The Judges
18 haven't got the copy of the document you are reading.

19 MR. SUTTON: I beg your pardon, sir.

20 (Whereupon, a document was handed to
21 each Member of the Tribunal.)

22 MR. SUTTON: (Reading) "During the second
23 Changsha Campaign in September 1941, the third company
24 (under command of Captain SASAKI, Ichi) of the second
25 Battalion (under the command of Major TAKAHASHI,

1 Sakayoshi) attached to the second Independent
2 Mountain Artillery Regiment (under the command
3 of Colonel MARITO, Ryuzo) of the sixth Division
4 of the Japanese Army forced more than 200 Chinese
5 prisoners of war in Chen Tung Shih, Changsha,
6 Hunan, to plunder large quantities of rice,
7 wheat, and other commodities. After they
8 returned, the Japanese forces, numbering more
9 than 200 hundred, in order to hide these crimes,
10 massacred these Chinese by artillery."

11 We next offer in evidence prosecution
12 document No. 2218, the statement of Hsieh-
13 Chin-Hua with regard to atrocities, alleged
14 atrocities committed by the Japanese troops
15 in Hunan Province in June of 1944.

16 THE PRESIDENT: Admitted on the usual
17 terms.

18 DEPUTY CLERK OF THE COURT: Prosecution's
19 document No. 2218 will receive exhibit No. 342.

20 (Whereupon, the document above
21 referred to was marked prosecution's
22 exhibit No. 342, and was received in
23 evidence.)

24 MR. SUTTON: (Reading) "After the
25 Japanese forces had occupied Changsha, they

1 freely indulged in murder, rape, incendiaryism,
2 and many other atrocities throughout the district.

3 "On 17 June 1944, more than 10 soldiers
4 went to To-shih, Shi Shan, to plunder. One of
5 them was however shot to death by the Chinese
6 Chen Ni troops, and this greatly enraged the
7 Japanese soldiers who thus hit upon retaliation
8 against civilians. On that evening, more than
9 100 Japanese soldiers, armed with machine guns,
10 visited the place again. They machine-gunned
11 and then set fire to all houses ~~from both ends~~
12 ~~of the streets.~~ Over 100 business houses
13 including stocks of goods were thus entirely
14 reduced to ashes.

15 "I was one of the victims who managed
16 to escape from the town. Deprived of all
17 personal belongings by the fire, I became
18 homeless and had to live on alms."

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LIU

DIRECT

G 1 MR. SUTTON: Prosecution desires to call as
r 2 its next witness Mr. Liu Yao Hwa, a citizen of the
e 3 Republic of China.

- - -

g 5 L I U Y A O H W A , called as a witness on behalf
& 6 of the prosecution, being first duly sworn,
B 7 testified through Chinese interpreters as
a 8 follows:

t 9 DIRECT EXAMINATION
n 10 BY MR. SUTTON:

11 Q What is your name, and of what country are
12 you a citizen?

13 A My name is Liu, and I am a Chinese citizen.

14 Q Where is your home in China?

15 A I live in Hopei Province, Ning Chin County --
16 Chin or county.

17 Q You have before you a paper marked Inter-
18 national Prosecution Section document 2221 which pur-
19 ports to be signed by you, dated June 29, 1942. I ask
20 if that is your signature to that statement.

21 A Yes, I signed it myself.

22 Q Are the facts set out in that statement cor-
23 rect and true?

24 A Correct.

25 MR. SUTTON: We tender this statement in

LIU

DIRECT

1 evidence.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 2221 will receive exhibit No. 343.

5 (Whereupon, prosecution's exhibit
6 No. 343 was received in evidence.)

7 THE PRESIDENT: My attention has been drawn
8 to the date "28 June, 1942" which appears to be in-
9 consistent with the contents of the affidavit.

10 MR. SUTTON: The statement was taken on
11 June 28, 1946. It is an inadvertent error.

12 (Reading)

13 "I am 29 years old, and my home is in
14 Hopci Province. The Japanese soldiers came to
15 my village in the 9th moon of 1937, at which lived
16 about 200 families. Most of the residents ran
17 from the village. They were civilians. The Japan-
18 ese killed 24 of them and burnt about two thirds
19 of the houses in the village.

20 "I saw a Japanese soldier raping a woman
21 who was then pregnant. He afterwards ripped her
22 body with bayonet and killed her.

23 "I also saw eight Japanese soldiers rape
24 a 13 year old girl. She died.

25 "The Japanese soldiers took two innocent

1 Chinese men and charged that they had cut telegraph
2 wires. They were blindfolded, stripped to the waist,
3 and ten Japanese soldiers on the order of a Japanese
4 officer began stabbing them with bayonets and
5 continued to stab the bodies after they fell to
6 the ground. This occurred in the 2nd moon of 1942.

7 "I was later in the Chinese Army, cap-
8 tured by the Japanese, brought as a prisoner to
9 Japan, and forced to work in Japan until the end
10 of war."

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TII

CROSS

The defense may cross-examine the witness.

CROSS-EXAMINATION

BY DR. KIYOSÉ:

4 Q What is the name of the village in which
5 you lived?

6 A The name of the village is Tung Wang Chia.
7 When translated, it means Chuang village -- Chuang
8 family village.

Q How many homes were in this village?

A About two hundred families.

Q How many houses were in this village?

2 THE MONITOR: I didn't ask you how many
3 families; I asked you how many houses.

4 THE PRESIDENT: If a man is charged with
5 burning down a house, neither the defense nor the
6 prosecution ever asks how many houses there were in
7 the town.

Q When did you become a prisoner, Mr. Witness?

9 A 33rd year of the Republic of China; that is,
0 1934 -- 1944.

Q And you were in Japan until the termination
of the war, is that so?

3 A Yes.

4 DR. KIYOSE: There is no more cross-examina-
5 tion on the part of the defense.

TI

DIRECT

1 MR. SUTTON: There is no redirect examination
2 of this witness.

5 THE PRESIDENT: He may do so on the usual
6 terms.

7 (Whereupon, the witness was
8 excused.)

14 T I S H U - T A N G, called as a witness on
15 behalf of the prosecution, being first duly
16 sworn, testified through Chinese interpreters
17 as follows:

DIRECT EXAMINATION

19 | BY MR. SUTTON:

Q What is your name?

21 A My name is Ti Shu-tang.

Q Of what country are you a citizen?

A I am a citizen of the Republic of China.

Q Where is your home?

25 A Hopei Province.

TI

DIRECT

1 Q You have before you prosecution's document
2 No. 2222, which purports to be signed by you, dated
3 28 June, 1946. Did you sign that statement?

4 A That is not written by me, but I signed it
5 myself.

6 Q Are the facts stated therein true and
7 correct?

8 A Yes.

9 MR. SUTTON: Prosecution offers in evidence
10 document No. 2222.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution's document
13 No. 2222 will receive exhibit No. 344.

14 (Whereupon, prosecution's exhibit
15 No. 344 was received in evidence.)

16 MR. SUTTON: (Reading)

17 "I am 22 years of age, a native of Hopei
18 Province, China. When the Japanese troops came
19 to my village in the Yoo Yang District the seventh
20 moon of 1941, most of the residents ran from the
21 village. They gathered together about sixty old
22 men and women and young boys and girls and forced
23 them into a house. They set the house afire, shoot-
24 ing those who attempted to escape. Corpses lying
25 outside the house were riddled with bullet-holes.

1 "In the fifth moon of 1942, about 100 Japanese
2 soldiers and officers with some interpreters
3 forced over forty Chinese women into an open square
4 and there compelled them to undress under threats
5 of bayonets and to walk around in full view of the
6 residents, who were required to kneel on the ground
7 and witness the scene. If a spectator diverted his
8 eyes, he would be struck with a rifle butt. The
9 Japanese soldiers laughed and clapped their hands.
10 Some of the women tried to escape embarrassment by
11 jumping into pools. Of eight who jumped into the
12 pools, three were shot by Japanese soldiers.

13 "I was never in the Chinese army. In the
14 second moon of 1944, I was taken with four other
15 young men, all civilians, from my village and we
16 were placed with a large group and were required
17 either to join the puppet forces or to go as captives
18 with the Japanese. After four months in China we
19 were brought to Japan and forced to labor in Japan
20 digging ditches and cutting rocks in the mountains.
21 and other work, under Japanese guards until the end
22 of the war. I was one of 981 in this group in Japan;
23 413 died. We were often beaten with clubs and by other
24 means, and given very little food."

TI

CROSS

1 The defense may examine the witness.

2 THE PRESIDENT: Dr. KIYOSE.

3 CROSS-EXAMINATION

4 BY DR. KIYOSE:

5 Q When the Japanese Army entered in July of
6 1941, where were you?

7 A I was at the village shortly before the
8 Japanese troops came in, and I escaped with the
9 civilians at the time Japanese troops came in. When
10 Japanese troops came in, they set fire to the houses
11 and killed many civilians; and later I came back and
12 put out the fire and saw many corpses in the village.

13 Q Then, according to what you have written in
14 the affidavit, you had escaped from the scene before,
15 and you were not there at the time the incident took
16 place.

17 THE MONITOR: Slight correction: Then, Mr.
18 Witness, what you have stated in the affidavit is a
19 fact which you did not see, something that happened
20 while you -- after you had escaped, is that right?

21 A After I returned to the village, I put out
22 the fires myself.

23 THE PRESIDENT: Captain Brooks.

24

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TI

CROSS

CROSS-EXAMINATION (Continued)

1 BY MR. BROOKS:

2 Q Mr. Witness, these tales that are set out in
3 here, in this statement, were they told you -- were
4 rumors that you heard; is that not true?

5 A I saw it with my own eyes.

6 Q Did you actually see these things happen in
7 the village while you were in the village?

8 A I didn't see the actual killing of people
9 or burning of the houses, but I saw the corpses after-
10 wards, and I put out the fire myself.

11 Q Were you present and did you witness these
12 forty Chinese women that were undressed?

13 A Yes, I saw it myself.

14 Q And where did this take place?

15 A At that time I was among the group that saw
16 it.

17 Q Where did it take place? What village?

18 A At the village called Hsu Chang Pao village
19 in Hopei Province.

20 Q How old were you at this time?

21 A I was seventeen.

22 Q Did you know of any reason for these women
23 being undressed?

24 THE PRESIDENT: Well, that is an utterly

TI

CROSS

1 futile question.

2 Q What gave rise to this incident, if you
3 know?

4 THE PRESIDENT: The reason is irrelevant.

5 MR. BROOKS: I am interested, if the Court
6 please, in the witness' credibility and not particu-
7 larly any incident.

8 THE PRESIDENT: How could he read the minds
9 of the Japanese? You cannot test his credibility
10 that way.

11 We will adjourn now until half past one.

12 (Whereupon, at 1200, a recess was
13 taken.)

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AFTERNOON SESSION

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The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Captain Brooks.

CROSS-EXAMINATION (Continued)

BY MR. BROOKS:

Q Now, Mr. witness, did these interpreters that were present at the time that you saw these women undressed make any statement to the people assembled there?

A Yes.

Q And what did they tell the people assembled there?

A They said -- they told us to look to the direction where the women were.

Q Is that all they told you?

A No.

Q What else did they tell you?

A No, they didn't say anything else.

Q Was there any explanation made by the interpreters to you and the people assembled there of this act at a later date?

TI

CROSS

A No, they didn't explain.

2 Q State, please, where you were under heavy
3 labor in Japan?

A At Akita.

5 Q Now, at the time that you made this statement
6 or signed this affidavit, was the English copy of your
7 statement read and translated to you by anyone?

8 A Yes.

9 Q Who -- I withdraw that -- do you understand
10 English -- read and understand English yourself?

11 A No.

12 Q Who read and translated the English copy of
13 your affidavit to you, if you know?

14 A Mr. Liu of the Chinese Mission.

15 MR. BROOKS: No further questions.

16 MR. KANZAKI: I am KANZAKI, Masayushi.

CROSS-EXAMINATION (Continued)

18 BY MR. KANZAKI:

19 Q Mr. Witness, where is your permanent domicile;
20 in what part of Hupeh Province?

THE MONITOR: "Hopei Province."

22 A In Hopei Province. Jao Yan.

25 Q Is it in the mountains or in the plains --
26 or on the plains?

A In the plains.

TI

CROSS

4,626

1 Q Were there any Chinese soldiers there?
2 A No.
3 Q No communists?
4 A None.
5 Q Who was it that asked -- that told you to
6 become either a member of the Peace Army or to become
7 a prisoner of the Japanese -- was it a Japanese or
8 Chinese?
9 THE MONITOR: "Suggested" rather than "told."
10 A I don't know whether he is a Chinese or
11 Japanese but he is the interpreter.

12 Q Did you come to Japan as a prisoner of war?
13 A Yes.

14 LANGUAGE SECTION CHIEF: Correction to the
15 previous answer: "I don't know whether it was a
16 Japanese or a Korean," not "a Japanese or a Chinese."

17 Q You have said that you have never served in
18 the Chinese Army. How was it that you should have
19 been treated as a prisoner of war when you had not
20 served in the Army?

21 A The Japanese compelled or forced me to be a
22 prisoner of war.

23 Q Was it not according to your desires whether
24 you became a member of the Peace Army or whether you
25 became a prisoner of war?

TI

CROSS

1 A At that time the interpreter asked me
2 whether I wanted to join this Peace Army, Peace
3 Preservation Army, and naturally I didn't want to;
4 and then they shipped me to Japan as a prisoner.

5 Q You were not told then how much -- what
6 salary you were to receive?

7 A No, he didn't.

8 Q What salary did you receive after coming to
9 Japan?

10 A They didn't give any after I got to Japan.

11 Q You did not receive a single cent until you
12 were returned to China?

13 A After the Japanese surrender, I was separated
14 from the Japanese prison camp. I never received any
15 money.

16 Q Did you not come to Japan as a coolie rather
17 than as a prisoner of war?

18 A They just forced me into it. I didn't volunteer.

19 Q You have stated that 980 men were sent to
20 Japan with you. Did you all come together and all
21 work together?

22 THE MONITOR: "980" should read "981."

23 THE PRESIDENT: Now, that question need not
24 be answered. It does not go to the issue or to credit.

TI

CROSS

1 MR. KANZAKI: The witness has stated that
2 out of 981 who came to Japan, 418 died. These figures
3 seem to me somewhat unbelievable -- almost unbelievable
4 and I am attacking his credibility from this point.

5 THE MONITOR: I would like to add just a
6 little bit: "This 418 is almost half of the number
7 of the 981."

8 MR. KANZAKI: May I ask that question?

9 THE PRESIDENT: Yes, let him answer.

10 A The 981 persons came here in three groups --
11 separated into three groups -- but we worked in the
12 same -- as one group. We worked together.

13 Q What was the cause of these deaths?

14 A There are many reasons caused the death of
15 the 400 people.

16 Q Is this number that you give, 418, accurate
17 or did you hear it from somebody else?

18 A Yes, it is correct. I had the responsibility
19 to investigate each case. Every time a person died I
20 registered.

21 MR. KANZAKI: That is all.

22 DR. KIYOSÉ: No further cross-examination.

23 MR. SUTTON: No redirect examination. We
24 ask that the witness may be excused and allowed to
25 return to China on the usual terms.

1 THE PRESIDENT: He is released accordingly.

2 Mr. Sutton.

3 MR. SUTTON: May it please the Tribunal,
4 continuing its presentation of the evidence of
5 atrocities committed by Japanese troops in Hopei
6 Province in China, the prosecution offers in evidence
7 its document No. 1708, "Statement by Colonel Kiang
8 Cheng Ying, Judge, Military Court, General Head-
9 quarters, the Eleventh War Zone of China."

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 1708 will receive exhibit No. 345.

13 (Whereupon, prosecution's exhibit
14 No. 345 was received in evidence.)

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1 THE PRESIDENT: He is released accordingly.

2 Mr. Sutton.

3 MR. SUTTON: May it please the Tribunal,
4 continuing its presentation of the evidence of
5 atrocities committed by Japanese troops in Hopei
6 Province in China, the prosecution offers in evidence
7 its document No. 1708, "Statement by Colonel Kiang
8 Cheng Ying, Judge, Military Court, General Head-
9 quarters, the Eleventh War Zone of China."

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 1708 will receive exhibit No. 345.

13 (Whereupon, prosecution's exhibit
14 No. 345 was received in evidence.)

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Goldberg & Spratt

1 MR. SUTTON: This document contains evidence
2 also on the subject of opium and narcotics. From the
3 first page I shall read only the first paragraph.

(Reading): "My name is Cheng-Ting KIANG.
I am a native of Chi-Ho Hsien, Shantung Province,
China. I am 36 years old now. At present I am serv-
ing as a Judge of the Military Court for Trying War
Criminals in the General Headquarters of the Eleventh
War Zone of China. When the war broke out at Marco
Polo Bridge on July 7th, 1937, I was Judge Advocate
(with the rank of Colonel) of the Hopei-Chahar Paci-
fication Headquarters under the commander of General
Sung Che-Yuan who was then concurrently Commander
of the 29th Army. I hereby make the following state-
ment, concerning either events I have personally gone
through or facts the truth of which I can vouch out
of my personal knowledge."

18 I then omit to the end of the first paragraph
19 on page 2 of the English copy.

(Reading): "Before the war broke out on July 7th, 1937, Japan had engaged in planning for continental expansion and in carrying out aggression in North China. This can be seen not only in the above-mentioned events leading to the outbreak of the war, but also in the Japanese Opium and Narcotic Policy.

1 Since 1936, many Japanese and Korean ruffians posing
2 as regular merchants penetrated into various villages
3 and towns in North China and engaged in manufacturing
4 and selling of opium and other narcotic drugs. Their
5 presence and their connections with questionable
6 Chinese elements created many local disturbances which
7 were brought to the attention of the Hopei-Chahar Paci-
8 fication Headquarters. As I was then Judge Advocate
9 of the said Headquarters, these facts came to my
10 personal knowledge while discharging official duties.
11 Though the files were destroyed when Peiping was e-
12 vacuated in July, 1937, they could easily be traced
13 in the newspapers then published. These were not
14 merely conducts of individuals, acting upon their own
15 volition. The Japanese Government was really behind
16 them. Otherwise, they could have hardly spread so
17 widely over various localities in North China. It
18 can be further proved by the fact that the orders
19 issued by the Chinese Government to the local author-
20 ties for the expulsion of these notorious opium and
21 other drug dealers could not be carried out, on ac-
22 count of the direct or indirect interference of
23 either the Japanese Army or the Japanese Embassy or
24 both.
25

1 "Apart from poisoning the Chinese people
2 with opium and other narcotic drugs, the activities
3 of these dealers were closely related to the war of
4 aggression. Their presence in hinterlands and their
5 connections with questionable Chinese elements in dif-
6 ferent localities were very helpful to the Japanese
7 in collecting information of various nature and in
8 getting acquainted with geographical features which
9 are very useful to them in carrying out a war of ag-
10 gression. This could be proved by the fact that the
11 Japanese Army captured the entire Province of Hopei
12 within one month following the outbreak of war at the
13 Marco Polo Bridge.

14 "Since the war started in 1937, the Japanese
15 installed, under the puppet 'North China Political
16 Council', the Board of Opium-Suppression, with branch
17 offices in Peiping, Tientsin, Tsinan, Tsingtao, Tang-
18 shan, Shihmeng and with sub-branches in many other
19 cities. The purpose of these institutions was, con-
20 trary to what was indicated by their names to carry
21 on large scale narcotization in China. Within speci-
22 fied areas, planting of poppy was permitted upon
23 paying considerable tax to the Board of Opium Suppres-
24 sion. License for opium retail shops and opium dens
25

1 were issued upon application and payment of fees.
2 Opium, duly taxed and stamped was treated as lawful
3 commodity that could be freely possessed, transported
4 and sold everywhere. Opium smokers can freely smoke
5 it upon registration and payment of fees. Unstamped
6 opium was regarded as smuggled goods and was confis-
7 cated by the said Board. The confiscated opium was
8 not destroyed but auctioned by the said Board to be
9 sold by opium dealers.

10 "Most of the opium found its way to the manu-
11 facturers of heroin. The manufacture and transporta-
12 tion of heroin were under the direct patronage or pro-
13 tection of Japanese Army and Gendarme. The puppet
14 'Government', knowing how very harmful this was to
15 the Chinese people, was powerless to interfere. In
16 fact, many licensed opium dealers were themselves manu-
17 facturers of heroin. This greatly intensified the
18 poisoning of the Chinese people.

19 "Since 1944, the market price of opium went
20 up so much as to stimulate the smuggling of opium
21 from Kalgan. The traffic was carried on by a well
22 organized group under the leadership of Japanese and
23 Korean rascals. In order to avoid discovery along
24 the border, opium was wrapped in small pack rubber
25

1 sacks and concealed in delicate parts of the body for
2 transportation into Peiping and Tientsin. Newspapers
3 of those days reported shocking tales of how leakage
4 from these small rubber sacks caused the death of many
5 smugglers, who were made first victims of Japanese
6 Drug Policy.

7 "Japanese atrocities roughly classified
8 under the following two categories:

9 "A. Atrocities of Japanese army units
10 against Chinese noncombatants in rural districts.
11 These atrocities were so numerous that only a few
12 remarkable instances were cited below:

13 "1. Commander Mizuno, Chief Intelligence
14 Officer Kagawa, Assistant Intelligence Officer Ebi
15 of the 38th Battalion of the 4204 Japanese Army Unit,
16 massacred 128 innocent women and children by swords
17 or by burying them alive, on the 24th day of the
18 third month, Chinese lunar calendar, in 1945, at
19 Chuan-Twen-Tseng village, 4th District, Chiao-Ho-
20 Hsien, in Hopei Province. This was covered by a
21 report of the local Government of Chiao-Ho-Hsien
22 which includes a list of the victims.

23 "2. The Ishimatsu Unit Commander with his
24 troops killed more than 40 noncombatants on January
25

1 27th and 28th, 1938, when passing through Wang-Chia-
2 To Village of Kao-Yang Hsien in Hopei Province. Again,
3 the same Ishimatsu Unit murdered 67 innocent civilians
4 on February 25th, 1938, at Po-Shih-Chuang Village,
5 in same Kao-Yang Hsien.

6 "3. 2nd Lt. Yamazaki, together with his
7 subordinate officers Nakamura, Yokoo, Shirai, Onishi
8 and the troops under his command, massacred more than
9 200 innocent people in September, 1943, while station-
10 ed at Kao-Yang Hsien, in Hopei Province. Again the
11 same group arrested many people and caused to death
12 more than one thousand non-combatants by starvation
13 or freezing. Also in September 1943, when passing
14 through Jen-Chiu Hsien, in Hopei Province.

15 "The atrocities cited above were recorded in
16 the report of the Hopei Provincial Government."

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"Atrocities of Japanese Gendarmes, Special Service Corps, Railway Garrison Corps, and Special Service Boards against Chinese people including puppet officers, officials, merchants and citizens.

"During Japanese occupation, atrocities committed against the Chinese people by Japanese Gendarmes were well known. The Railway Garrison Corps in searching passengers on the railways were as cruel and fierce as the Gendarmes. Since September 1943, Japanese organized the so-called 'North China Special Garrison Corps', or simply '1420A Unit.' Those stationed in Peiping were the notorious and well known Mitani Unit. In plain cloth and in disguise, the officers and men of this '1420A Unit' arrested Chinese at random and tortured them in various ways. This Unit was divided into ten companies scattering all over North China. They were far worse than the Gendarmes. Lt. General Kato, Commander of Japanese Gendarmes in North China, was concurrently Commander of this '1420A Unit'. Many Gendarme officers were transferred to serve in this newly created corps.

23 "In discharging my duties as a Judge of
24 the Military Court for Trying War Criminals in the
25 General Headquarters of the Eleventh War Zone, I

1 came to know many atrocities committed by Japanese.

2 These atrocities may be classified as follows:

3 "1. Burning of villages.

4 Hsin-Kuo-Chuan, a village in the vicinity of Tang-
5 shan City, was burned in the Spring of 1943 by
6 Japanese Gendarmes and the Ling-Si Branch of the
7 Japanese Special Garrison Corps under the command of
8 Tokami, a warrant Officer. In this village of more
9 than 400 families, there was only one house left un-
10 burned and only twenty inhabitants left alive.

11 "2. Prisoners bitten to death by dogs

12 Chinese prisoners were often driven into a yard where
13 hungry police dogs immediately set upon them and tore
14 them to pieces.

15 "3. Forcing water into the nostrils of

16 prisoners.

17 With Chinese prisoners tightly bound on their back,
18 large quantity of water or even pepper water was
19 poured into them through the nostrils. With water
20 getting into their lungs, prisoners would spit blood
21 or die after fainting.

22 "4. Torture by electric current

23 To force confession from Chinese prisoners by pass-
24 ing electric current of small voltage over their
25 bodies.

1 "5. Torture by burning
2 Live matches were applied to the heads of prisoners.
3 Red hot iron clubs were applied to the skins of
4 prisoners.

5 "6. Paragraph omitted
6 "7. Compulsory sexual intercourse of men
7 and women who were strangers to each other. If they
8 refused to do as ordered, they were immediately shot
9 to death.

10 "8. Pretty women were accused to be members
11 of the Communist Army. Burning matches were applied
12 to the hair on delicate parts of their body just to
13 poke fun out of their shyness, evasiveness and pain.

14 "9. Paragraph omitted.
15 "The above crimes based upon documental
16 evidence were but a very small fraction of the in-
17 numerable inhuman atrocities committed by the Japanese.
18

19 "I hereby testify that the facts in this
20 statement are facts either obtained through my personal
21 experience or brought to my knowledge during trials
22 of Japanese war criminals conducted by myself in
23 Court Proceedings. They represent true facts.
24

The prosecution next offers in evidence its document 1727, the affidavit of Cheng Wei-Hsia, dated 27 March 1946, which has to do with atrocities committed by Japanese troops in Hopei Province in North China.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document
1727 will receive exhibit No. 346.

9 (Whereupon, prosecution's exhibit
10 No. 346 was received in evidence.)

11 MR. SUTTON (Reading):

20 "(2) Most of the members of this band
21 were boys and girls around the age of 20, and my
22 third younger brother Cheng T'ung-wan was only 17
23 when he became a member. There were about 20
24 plus girl members.

1 in Peiping were held in custody in the gendarmerie
2 quarters of the Japanese, namely, Sha T'an (Build-
3 ings of Peking University), Chu Shi K'ou, outside
4 Chienmen and Meicha Huung, East City.

5 "(4) After arrest members were subjected
6 to many kinds of tortures, and not until six months
7 had elapsed were they finally disposed of in the
8 form of death or imprisonment with hard labor.
9 Those who were given imprisonment were sent to
10 the Army Prison inside the southwest part of the
11 city. Some members had been tortured to death
12 long before sentences were given. A few with
13 minor offenses were released at different inter-
14 vals, but the majority of the arrested members
15 did not get their freedom until the arrival of
16 the National Army in October, 1945.

17 "(5) The most common torture was to whip
18 the victim with a bamboo or rattan rod until the
19 rod broke when a fresh one was used. Whipping
20 ceased only when the victim's body became slashed
21 with blood streaking all over.

22 "(6) Another form was to strip the
23 victim and tie him with hands backward on to a
24 bench. A wooden ball was put into his mouth and
25 his nose and mouth were covered with a towel through

1 which water was dripped into the stomach. When
2 kerosene was used, it was poured into the nostrils
3 without using the towel. This was continued until
4 the victim stopped breathing.

5 "(7) Another was to tie the victim's arms
6 very tightly so that they could not move. Then
7 sharpened metal instruments were applied to bore
8 the middle of the palms.

9 "(8) Another was to tie the victim on to
10 a wooden chair. On a table near him was placed a
11 wooden box with electric switches and wires at-
12 tached. Each of the victim's thumbs was wound
13 with an electric wire. When the electric current
14 was put on, a slight tremble and heat were felt,
15 but as the current increases in intensity, the
16 victim's eyes became dark and ears began to drum.
17 The ordeal was unbearable, and the victim usually
18 became unconscious, sweating all over with feces
19 and urine excreted simultaneously.

20 "(9) Another was to fasten two strong
21 ropes to the beam of the room with two clamps
22 fixed on each end. The thumbs of the victim were
23 then clamped tightly and slowly pulled upward until
24 he was suspended in air.

25 "(10) Another was to use a cement pool

1 built against the wall of a room. This pool was
2 about 6 feet deep and wide and about 12 feet long.
3 When the pool was filled with cold water, the vic-
4 tim, with hands tied backward and feet bound, was
5 dumped into the pool until he became suffocated.
6 The unconscious victim was then taken out of the
7 pool, and some one came along and stepped on the
8 water-filled stomach so that the water gushed out.

9 "(11) Another one of the tortures in-
10 flicted on woman victims was to make them sit
11 over a heated charcoal stove during the period
12 of menstruation. The woman victim was stripped
13 of her lower garment and made to sit over the
14 stove with hands and feet bound.

15 "(12) In some cases the victim was made
16 to crawl on the ground. A large piece of timber
17 was placed underneath his knee and another one
18 over his ankle. When ready two men came along
19 and attempted to balance themselves on the timber
20 on either side of the leg. Usually the victim
21 suffered from complete fractures of the ankles
22 as a result of the pressure.

23 "(13) In other cases three small taper-
24 ing wooden sticks with strings tied on each end
25 were pierced into the space between the fingers.

1 When the strings were tightened up, the victim
2 usually became unconscious.

3 "(14) There were also cases where the
4 fingernails of the victim were forcibly pulled
5 off with a pair of pliers. The removal of one
6 fingernail was sufficient to produce unconscious-
7 ness following extreme pain.

8 "(15) The above-mentioned tortures
9 were practiced by uniformed Japanese, who were
10 usually accompanied by one or two Korean or For-
11 mosan interpreters.

12 "(16) The food supplied to prisoners
13 was exceedingly bad. The usual menu consisted
14 of molded beancakes and husks. Sometimes 'peanut
15 cakes' were given. These cakes were made of the
16 inner coat layer of peanuts and their outer shells.

17 "(17) The health of most of the released
18 members of the band was greatly impaired. The
19 average symptoms suffered by these members were
20 **gastric** trouble and nervous diseases. One girl
21 became blind in one eye as a result of a terri-
22 fic blow she received. Another girl, whose family
23 was well-to-do, was arrested and the family tried
24 to get her release by all possible methods. Fi-
25 nally the Japanese captors were bribed with

1 \$100,000 FRB. Having received the bribe, the girl
2 was released, but just before she left, she was
3 given an injection in one arm from which she suc-
4 cumbed shortly after her arrival at home. This
5 case occurred in the winter of 1940.

6 "(18) Among the one hundred people
7 arrested the death of thirty from tortures was
8 confirmed. The whereabouts of twenty others
9 was unknown, and only forty-two persons are known
10 to have been released alive.

11 "(19) The foregoing statements con-
12 tain facts known to me personally. There are
13 still other modes of torture not mentioned here
14 since they were merely hearsays."

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1 The prosecution next offers in evidence its
2 document 2075-A, the statement of Wong Chung Fu,
3 relative to atrocities committed by Japanese troops
4 at Peiping and Chopei Provinces in July, 1940.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 2075-A will receive exhibit No. 347.

8 (Whereupon, prosecution's exhibit
9 No. 347 was received in evidence.)

10 MR. SUTTON (Reading): "In July 1940 two
11 Japanese Army officers were shot dead perhaps by
12 some Chinese patriots in front of American Far-Eastern
13 Mission at the east of Ti An Gate, Peiping. The
14 Japanese troops got irritated and arrested more than
15 1,000 Chinese college and high school students. More
16 than half of the students arrested were tortured to
17 death. All the rest were shot. The people were so
18 terror-stricken that it is beyond my power of de-
19 scription."

20 The prosecution offers in evidence its docu-
21 ment 2080, the statement of KINOSHITA, Masaichi, a
22 merchant attached to the 5th Japanese Station, rela-
23 tive to atrocities committed by the Japanese gendarmerie
24 in Hopei Province in December, 1937.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution's document
2 No. 2080 will receive exhibit No. 348.

3 (Whereupon, prosecution's exhibit
4 No. 348 was received in evidence.)

5 MR. SUTTON (Reading): "In December, 1937,
6 the Japanese gendarmes, Sub-corps, under the Command
7 of a warrant officer, Yamamoto, Mankichi, stationed
8 at Hsing Tai District, Hopei Province, seized 7
9 civilians who was suspected to be guerillas. After
10 three days of starvation and torture, the Japanese
11 officers and soldiers bound them against trees and
12 bayoneted them to death."

Abram & Morse

MR. SUTTON: We next offer in evidence prosecution's document No. 2081, the statement of WANG Chun Fu, relative to the torture and rape of the girl students of Bridgeman Middle School at Pieping in Hopei Province, in July, 1940, by members of the Japanese Gendarme.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document
No. 2081 will receive exhibit No. 349.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit No.
12 349 and received in evidence.)

13 MR. SUTTON: (Reading)

14 "In July, 1940, 3 Chinese girl students
15 of Bridgeman Middle School named LIAN Chin, LIANG
16 lo, and SUN Nan, on their way back from Pei Tai Ho
17 to Peiping, were arrested at the Eastern Station of
18 Peiping and interned for more than two months by
19 the Japanese Gendarme. They were tortured, insulted
20 and repeatedly raped. The LIANG sisters, too weak
21 to stand the torture and violation, died in con-
22 sequence. Although released, Miss SUN became
23 physically defective. She said that the number of
24 such cases was very large."

25 MR. SUTTON: May it please the Tribunal,

1 that completes the evidence on this phase offered
2 from Hopei Province.

3 We shall next offer evidence of atrocities
4 committed in Kwantung Province.

5 We offer in evidence document No. 2169,
6 statement of WANG Shi Ziang, relative to massacre of
7 Chinese civilians by Japanese troops which occurred
8 in Kwantung Province in 1944.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 2169 will receive exhibit No. 350.

12 (Whereupon, the document above re-
13 ferred to was marked prosecution's exhibit No.
14 350 and received in evidence.)

15 MR. SUTTON: (Reading)

16 "In the morning of July 4, 1944, the whole
17 Japanese Kojo troops arrived at Hiang Doong village
18 of the Shan District, a place then under my adminis-
19 tration. They indulged in arson, robbery, slaughter,
20 and numerous other atrocities. As a result thereof,
21 559 shops were burnt, and more than 700 Chinese
22 civilians killed. The damage sustained in the
23 destruction of properties amounted to more than
24 200,000,000 Chinese dollars, according to the es-
25 timation made in 1944. Besides, there were more than

1 100 Chinese civilians wounded by the Japanese
2 soldiers. Those whose whereabouts are unknown since
3 their escape from this village are not included in
4 the above mentioned number."

5 DR. KIYOSÉ: Mr. President.

6 THE PRESIDENT: Dr. KIYOSÉ.

7 DR. KIYOSÉ: In the affidavit just read
8 the word Japanese Kojo troops is used. In the
9 Japanese text there is a note to the effect that in
10 the original the word "KOYASEKO" unit is used.
11 Could Mr. Sutton give us an explanation of this
12 "Kojo troops"?

13 MR. SUTTON: I am informed by my associate
14 from the Republic of China that the correct word is
15 K O Y A S E K O.

16 THE PRESIDENT: That correction is noted.

17 MR. SUTTON: We next offer in evidence
18 prosecution's document 2170, the statement of LIU
19 Chi Yuan, relative to the massacre of Chinese
20 civilians by Japanese troops in Kwantung Province
21 in 1941.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Prosecution's document
24 No. 2170 will receive exhibit No. 351.

25 MR. SUTTON: (Reading)

1 100 Chinese civilians wounded by the Japanese
2 soldiers. Those whose whereabouts are unknown since
3 their escape from this village are not included in
4 the above mentioned number."

5 DR. KIYOSÉ: Mr. President.

6 THE PRESIDENT: Dr. KIYOSÉ.

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9 Japanese text there is a note to the effect that in
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14 from the Republic of China that the correct word is
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16 THE PRESIDENT: That correction is noted.

17 MR. SUTTON: We next offer in evidence
18 prosecution's document 2170, the statement of LIU
19 Chi Yuan, relative to the massacre of Chinese
20 civilians by Japanese troops in Kwantung Province
21 in 1941.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Prosecution's document
24 No. 2170 will receive exhibit No. 351.

25 MR. SUTTON: (Reading)

1 "On the 21st day of the 12th month (lunar
2 calender), 1941, Japanese troops entered the city of
3 Wei-Yang, Kwangtung. They indulged in a massacre of
4 the Chinese civilians, bayoneting them all, male and
5 female, old and young without discrimination. I was
6 the eye-witness of more than 600 Chinese slaughtered
7 by Japanese troops in such places as the West Lake,
8 Wu Yen Chiao, Sha Shia, Zai Pu Chang, Ho Bien, Fu
9 Cheng, Shiao Kung, Hsien Cheng, Chiao Si An, the
10 outside of the West Gate and North Gate, Pai Sha.
11 Many others were killed in various other places.
12 Those killed by the Japanese amounted to approximately
13 2,000 and they were all civilians. I escaped from
14 the city and fled as far as Wu Yang Chaio where ten
15 Japanese stabbed the left side of my abdomen with
16 bayonets. I went through 20 days of medical treat-
17 ment. The scar on my abdomen is an evidence."

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1 MR. SUTTON: May it please the Tribunal, we
2 will next offer evidence of atrocities committed in
3 Kwangsi Province and at Kweilin which is situated in
4 that province.

5 The prosecution offers in evidence its
6 document No. 2119 --

7 THE PRESIDENT: 2219.

8 MR. SUTTON: I beg your pardon, 2219, a
9 statement dated May 21, 1946, signed by the president
10 and vice president of the city council of Kweilin,
11 Chairman of the Board of Directors of the Chamber of
12 Commerce of Kweilin, two managing directors of the
13 Chamber of Commerce of Kweilin, the chairman and vice
14 chairman of the General Labour Union of Kweilin,
15 relative to atrocities committed by Japanese troops
16 in that city in 1945.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 2219 will receive exhibit No. 352.

20 (Whereupon, the document above referred
21 to was marked prosecution's exhibit No. 352 and
22 received in evidence.)

23 MR. SUTTON: (Reading)

24 "On the 28th day of July 1945, the Japanese
25 troops stationed withdrew, fearing that the communication

1 between Kwangsi and Hunan might be cut off by the
2 Chinese Army then pushing forward from Yeoning and
3 Liecheau.

4 "About ten days prior to their withdrawal,
5 a Japanese soldier self-styled as Second Lieutenant
6 SEK I organized an arson corps and set fire to
7 buildings in the entire district of Kweitung Road
8 (business center of Kweilin) Sze Wei Road, in the
9 western part of Loh Chuin Road (including the whole
10 of the buildings of the Baptist Mission in Li Tse
11 Yuan, in the lower part of Kweipei Road, in the whole
12 section of Fengpei Road, and in the northern part of
13 Loong Chu Road. The library of the Provincial Govern-
14 ment inside the old city was reduced to ashes. Rooms
15 thus destroyed numbered more than ten thousand."

16 We next offer in evidence prosecutions
17 document 2220, statement of nine citizens of Kweilin,
18 dated 27 May 1946, relative to the atrocities committed
19 by the Japanese troops in Kweilin.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 2220 will receive exhibit No. 353.)

23 ("hereupon, the document above referred
24 to was marked prosecution's exhibit No. 353 and
25 received in evidence.)

1 MR. SUTTON: (Reading)

2 "During the period of Japanese occupation of
3 Kweilin which lasted about a year, they freely indulged
4 in all kinds of atrocities such as rape and plunder,
5 and so forth. Captain CHONAWO, a native of Fukuoka
6 Prefecture, Japan, was the head of a certain Rehabil-
7 itation Section. He was a very cruel and treacherous
8 man and he controlled all newspapers and cultural
9 organizations in Kweilin working for the purpose of
10 enslaving the people through his publications and
11 propagandistic efforts. He sent puppet officials to
12 propagate the establishment of factories and recruit
13 woman labor. When the women came, he sent them to the
14 suburbs outside Li Shi Gate and forced them into
15 prostitution with the Japanese troops. CHONAWA's
16 secretary was a Japanese woman named SAZUKI who
17 assisted in the perpetration and aggravation of his
18 atrocities.

19 "Moreover, a Japanese Military Police unit
20 was established at Li Tse Yuan with ITOH as chief.
21 War prisoners from all places were sent to this unit
22 for forced labor; they were compelled to grind rice,
23 carry mud, and so forth. Those who committed any
24 slight mistake were killed. Prisoners thus killed
25 amounted to more than one hundred in number including

1 two Allied soldiers whose names could not be remembered
2 now. The Japanese exposed the bodies on the Wang Cheng
3 (Imperial Wall) or threw them in the Lee River, a very
4 tragic scene."

5 The prosecution next offers in evidence its
6 documents numbers 2099, 2100, 2101, 2102, 2103, and
7 2105.

8 THE PRESIDENT: Do they deal with alleged
9 Japanese atrocities in China?

10 MR. SUTTON: These, if the Tribunal please,
11 contain -- each document is composed of the statement
12 of two different individuals as to atrocities which
13 occurred in Kwangsi Province during 1944 and 1945.
14 They will be offered separately, though treated as
15 a unit, and a brief statement made as to the contents
16 of the group. It is not deemed necessary to read the
17 several documents into the record.

18 THE PRESIDENT: The circumstances of the
19 killings are not disclosed in some cases.

20 MR. SUTTON: The documents contain together
21 evidence of twenty-one murders alleged to have been
22 committed by Japanese troops, two cases of looting
23 and wanton destruction of property, one case of rape
24 and abduction of a female.

25 THE PRESIDENT: Admitted on the usual terms.

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2 now. The Japanese exposed the bodies on the Wang Cheng
3 (Imperial Wall) or threw them in the Lee River, a very
4 tragic scene."

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17 several documents into the record.

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20 MR. SUTTON: The documents contain together
21 evidence of twenty-one murders alleged to have been
22 committed by Japanese troops, two cases of looting
23 and wanton destruction of property, one case of rape
24 and abduction of a female.

25 | THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution's document
2 No. 2099 will receive exhibit No. 354. Document
3 No. 2100 will receive exhibit No. 355. Document
4 No. 2101 will receive exhibit No. 356. Document
5 No. 2102 will receive exhibit No. 357. Document
6 No. 2103 will receive exhibit No. 358 Document
7 No. 2105 will receive exhibit No. 359.

8 (Whereupon, the documents above referred
9 to were marked prosecution's exhibit Nos. 354,
10 355, 356, 357, 358, and 359, and received in
11 evidence.)

12 MR. SUTTON: That, may it please the Tribunal,
13 completes the evidence offered of atrocities committed
14 in Kwangsi Province.

15 We shall next offer evidence from Jehol
16 Province.

17 The prosecution next offers in evidence its
18 document No. 2077, the statement of Liu Ch-un Ju, in
19 regard to atrocities committed by the Japanese forces
20 in Jehol Province in August, 1941.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 2077 will receive exhibit No. 360.

24 (Whereupon, the document above referred
25 to was marked prosecution's exhibit No. 360 and

1 received in evidence.)

2 MR. SUTTON: (Reading)

3 "During one night in August, 1941, several
4 hundreds of Japanese and puppet soldiers, equipped with
5 machineguns and artilleries, laid seige to the village
6 of Si Tu Ti, Kuan Cheng, Ping Chuan District, Jehol
7 Province, under the pretest of searching for guerillas.
8 They killed all the members of over 300 families, and
9 burned the whole village to the ground. According to
10 the people living in the vicinity of that village, the
11 flames of the burning village could be seen miles away,
12 and the outcries of the suffering mass were most
13 horrible and tragic to those who heard them."

14 THE PRESIDENT: Well, this is a convenient
15 break. We will adjourn now until half past nine on
16 Tuesday morning.

17 (Whereupon, at 1600, an adjourn-
18 ment was taken until Tuesday, 3 September
19 1946, at 0930.)

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1 received in evidence.)

2 MR. SUTTON: (Reading)

3 "During one night in August, 1941, several
4 hundreds of Japanese and puppet soldiers, equipped with
5 machineguns and artilleries, laid seige to the village
6 of Si Tu Ti, Kuan Cheng, Ping Chuan District, Jehol
7 Province, under the pretest of searching for guerillas.
8 They killed all the members of over 300 families, and
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